IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11849 of 2005

Between:

Chakravarthula Lakshmana Rao @ Lakshmandas,, S/o. Sitapathi Rao,
R/o. Ammanabrole Village, Naguluppalapadu Mandal,
Prakasam District.

..... PETITIONER

AND

1 Sri Byragi Mutt,Ammanabrole Village, rep.by its Special Officer K.Prasada babu,
Naguluppalapadu Mandal, Prakasam .
2 The Assistant Commissioner of Endowments, Near Ranga Rayudu Water Tank,
Ongole , Prakasam District.
3 The Commissioner of Endowments Department ,
Tilak Road, Hyderabad.
4 Jagarlamudi Kondaiah, S/o. Kanakaiah,
T.Agraharam, Naguluppalapadu Mandal,
Prakasam District.
5 T.Mallikarjuana Rao, S/o. Pitchaiah,
T.Agraharam, Naguluppalapadu Mandal,
Prakasam District.
6 Jagarlamudi Ramakrishna Prasad, S/o. Kanakaiah,
T.Agraharam, Naguluppalapadu Mandal,
Prakasam District.
7 Jagarlamudi Nageswara Rao, S/o. Chandraiah,
T.Agraharam, Naguluppalapadu Mandal,
Prakasam District.
8 Jagarlamudi Hari Babu, S/o. Somaiah,
T.Agraharam, Naguluppalapadu Mandal,
Prakasam District.
9 G.Tirupathi Rayudu, S/o. Seshaiah,

T.Agraharam, Naguluppalapadu Mandal,
Prakasam District.

10 Jagarlamudi Sudhakara Babu, s/o. Veeraiah,
T.Agraharam, Naguluppalapadu Mandal,
Prakasam District.

11 P.Sreenivasa Rao, S/o. Venkateswarlu,
T.Agraharam, Naguluppalapadu Mandal,
Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Ist Respondent in conducting the Public auction of the leasehold rights in the land admeasuring Ac.53-12 Cents of land in Survey No.30 of Ammanabrole Village, Naguluppalapdu Mandal, Prakasam District and declaring the Respondnets 4 to 11 as highest bidders in the said auction is illegal, arbitrary, erroneous and violative of the rules and procedures and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner petaining to the land admeasuring Ac.53-12 cents of land in Survey No.30 of Ammanabrole Village , Naguluppalapadu Mandal, Prakasam District and pass such other order or orders as this Hon'ble Court mat deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.Y.V.RAVI PRASAD

Counsel for the Respondent No. 2 & 3: GP FOR ENDOWMENTS

The Court at the admission stage made the following :

ORAL ORDER:

The petitioner claims to be the absolute owner and in possession of an extent of Acs.53-12 cents of agricultural land in Sy.No.30 of Ammanabrole village, Naguluppalapadu Mandal, Prakasam District. On the abolition of Inams under the A.P. (Andhra Area – Inams Abolition and Conversion into Roytwari) Act, 1956, the Inam Deputy Tahasildar determined that the land belonged to the 1st respondent-Mutt. Aggrieved thereby, the petitioner preferred an appeal to the concerned Revenue Divisional Officer, who by the Order dated 15-7-1983 set aside the Order of the Inam Deputy Tahasildar and directed grant of Roytwari Patta to the petitioner under Section 7 of the Act. Aggrieved by this Order of the Revenue Divisional Officer, the 1st respondent preferred a revision, which was disposed of by the Revisional Authorities dated 19-7-2001. The Revisional Authorities remanded back the case to the Revenue Divisional Officer and directed *de novo* enquiry after providing an opportunity to all the affected and interested parties including the 1st respondent. Eventually, after due process, the Revenue Divisional Officer allowed the appeal on 19-7-2001. According to the petitioner, the revision has been entertained, but no interlocutory order was passed suspending the Order of the Revenue Divisional Officer dated 19-7-2001. Therefore, contends the petitioner, as on date, the order of the Revenue Divisional Officer dated 19-7-2001 directing grant of Ryotwari Patta to the petitioner is in force and the petitioner is *in presenti* entitled to the lands in question. While so, alleges the petitioner, the 1st respondent-Mutt conducted an open auction on 3-6-2005 for leasing out the extent of Acs. 53-12 cents of the petitioner's lands and is out to lease the lands in favour of the third parties. Aggrieved by this conduct of the 3rd respondent, the Writ Petition is filed.

In the Writ Petition no Order of a statutory authority or a public official is

challenged. It is neither pleaded, urged, or demonstrated before the Court that the 1st respondent-Mutt is a State or an Agency or Instrumentality of the State within the meaning of the said expression under Article 12 of the Constitution. Any action of the 1st respondent-Mutt in trying to interfere with the petitioner's claimed rights of ownership and possession of the extent of Acs.53-12 cents of lands in survey No.30 of Ammanabrole village would not be a conduct or action which is adjudicable in public law under Article 226 of the Constitution by this Court. The petitioner has a has a plenitudinous alternative and effective remedy before the Civil Court of competent jurisdiction by way of injunctive or declaratory reliefs. On the aforesaid analysis, no relief could be granted by this Court in this Writ Petition. The Writ Petition is misconceived and is accordingly dismissed. Liberty is however preserved in the petitioner to pursue appropriate remedies. There shall be no order as to costs.

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7th June, 2005

smr

To

1 Sri Byragi Mutt,Ammanabrole Village, rep.by its Special Officer K.Prasada babu,
Naguluppalapadu Mandal, Prakasam .
2 The Assistant Commissioner of Endowments, Near Ranga Rayudu Water Tank,
Ongole , Prakasam District.
3 The Commissioner of Endowments Department ,
Tilak Road, Hyderabad.
4**) 2 CD copies**

5) 2 CCs to GP for Endowments, High Court Buildings, Hyderabad.

5) 1 CC to MR.RAVI PRASAD

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.11849 of 2005

Dated: 7th June, 2005